

N.D.A.G. Letter to Rohrich (Aug. 21, 1989)

August 21, 1989

Mr. F. C. Rohrich
Emmons County State's Attorney
P.O. Box 657
Linton, ND 58552

Dear Mr. Rohrich:

Thank you for your August 3, 1989, letter asking whether Emmons County may purchase a new ambulance with county general fund money.

N.D.C.C. § 23-12-08 provides as follows:

Ambulance service authorized.--Any county or municipality of the state of North Dakota, by itself, or in combination with any other county or municipality of the state of North Dakota, may, acting through its governing body, establish, maintain, contract for, or otherwise provide ambulance service for such county or municipality; and for this purpose, out of any funds of such county or municipality not otherwise committed, may buy, rent, lease or otherwise contract for all such vehicles, equipment or other facilities or services which may be necessary to effectuate such purpose.

(Emphasis supplied.)

The above statute requires that the funds in question be "not otherwise committed." However, if the Emmons County general fund surplus represents unappropriated funds, the purchase of a new ambulance with such funds would be authorized pursuant to N.D.C.C. § 23-12-08.

I hope the above comments will prove of assistance to you .

Sincerely,

Nicholas J. Spaeth

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